



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103 2029

VIA UPS

Mr Ken Mellon Acting EHS Manager
Eaton Corporation
11642 Old Baltimore Pike
Beltsville, MD 20705

Re Notice of Violation
Compliance Evaluation Inspection
February 4 2015

Docket No R3-15-NOV-RCRA-19

Dear Mr Mellon

On February 4 2015, the U S Environmental Protection Agency Region III ("EPA") conducted a Compliance Evaluation Inspection (CEI") of Eaton Corporation ("the Facility" or Eaton) located in Beltsville Maryland under the federally authorized Code of Maryland Regulations ("COMAR") and the Resource Conservation and Recovery Act ("RCRA") as amended 42 U S C Sections 6901 et seq Based on the CEI, EPA has determined that Eaton has violated regulations under COMAR and RCRA As a result of this determination, EPA is issuing this Notice of Violation (NOV) The specific violation(s) are

- 1 During the February 4 2015 EPA CEI, the EPA inspector observed aerosol can products stored in flammable storage cabinets at the Facility Please see Photo #1, Photo #12, and Photo #14 in the Photographic Log of the EPA CEI Report included as Attachment A At the time of the EPA CEI Facility personnel were unable to verify how they manage their spent aerosol can waste stream Subsequent to the CEI, Facility personnel had indicated to the EPA inspector that a spent aerosol can was punctured prior being disposed of in the regular trash The Facility was unsure of how Facility personnel collected and disposed of the contents of the aerosol can after the can was punctured

In a February 27 2015 letter from Eaton to EPA, Eaton stated that it has established satellite accumulation area (SAA") containers to collect and manage used aerosol cans as hazardous waste Based on the observations made during the EPA CEI and from follow up information gathering the Facility failed to make a waste determination for its spent aerosol can waste stream prior to disposal in accordance with COMAR § 26.13.03.02A

- 2 During the February 4, 2015 EPA CEI, the EPA inspector requested to review annual hazardous waste training records for calendar years 2012, 2013, and 2014 for those employees that have hazardous waste management responsibilities at the Facility At the

time of the CEI Eaton provided the EPA inspector with hazardous waste training record sign-in sheets that were dated August 1, 2013 and August 2, 2013 On March 5, 2015, Eaton provided, via e mail, copies of sign in sheets for Facility personnel that were present for hazardous waste refresher trainings given on August 17, 2012 and August 11, 2014 Based on the training record sign-in sheets provided to the EPA inspector during and after the EPA CEI, Eaton failed to provide annual hazardous waste refresher training for the following employees in each calendar year listed below

2012 Thomas C , Danny S , Ruben M , Melissa B , George B , Staale J , Paul M
2013 Jammarr C , Jermaine J Enrique S , Thomas C , Danny S , Ruben M Melissa
B , George B , Staale J
2014 Anthony S , Jermaine J Mack K , Enrique S Brian N Paul M

Eaton failed to provide the Facility personnel listed above with annual hazardous waste review training in accordance with COMAR § 26 13 03 05 E(1)(g), which references COMAR § 26 13 05 02 G(3)

A copy of the EPA CEI report, documenting the findings of the inspector, is enclosed as Attachment A for your information and includes only those attachments not provided by the facility representative(s) at the time of or subsequent to the inspection

Within **thirty (30) calendar days** of the receipt of this NOV please submit documentation of any measures that the Facility has taken or is taking to achieve compliance with the violations noted above If the compliance measures identified are planned or are ongoing please provide a schedule for when the compliance measures will be completed If the Facility can provide documentation which shows that EPA's determination of the alleged violation(s) is in error, please submit this information as well Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated or is in violation of any requirement of RCRA as amended Such an action could include a penalty of up to \$37 500 per day for each violation In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a knowing violation of Federal law

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the Information for Small Businesses memo, enclosed Attachment B, which might be applicable to your company This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action To preserve your legal rights, you must comply with all rules governing the administrative enforcement process The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action EPA has not made a determination as to whether or not you [or your

company] are covered by the SBREFA

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing including the ones cited in this letter or past violations in any future enforcement action Your response to this NOV shall be addressed to

Andrew Ma
U S Environmental Protection Agency Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755

If you have any questions regarding this matter, please feel free to contact Mr Andrew Ma at (410) 305-3429



Carol Amend
Associate Director
Land & Chemicals Division
Office of Land Enforcement

Apr. 13, 2015
Date

Enclosures

cc **A Ma (31C70) w/o**
B Coblenz (MDE) w/o